



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/014,196	11/13/2001	McGee Thomas	US 010521	3016

24737 7590 01/12/2006

PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
P.O. BOX 3001  
BRIARCLIFF MANOR, NY 10510

EXAMINER

LAYE, JADE O

ART UNIT	PAPER NUMBER
----------	--------------

2617

DATE MAILED: 01/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/014,196	THOMAS ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jade O. Laye	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☒ Claim(s) 14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>11/13/01, 3/29/04</u> .   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

---

### *Information Disclosure Statement*

I. The information disclosure statement (IDS) submitted on 11/13/01 and 3/29/04 are in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statements have been considered by the examiner.

### *Claim Objections*

II. Claim 14 is objected to because the phrase "...the broadcast..." lacks antecedent basis. Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

III. Claims 1, 2-4, 10, 14-18, and 25-27 are rejected under 35 U.S.C. 102(b) as being anticipated by *Hendricks et al.* (US Pat. No. 5,798,785).

As to Claim 1, *Hendricks et al* disclose a system which assembles and processes content from multiple sources, such as specialty channel providers, HDTV sources, and interactive services sources. The system is also capable of suggesting programs based upon an established

user profile, whereby it automatically scans the available sources for program abstracts (i.e., identifying info) and determines if the media content matches the user profile. When matches are found, the system will suggest the media to the user. (Abstract; Col. 6, Ln. 3-13; Col. 28, Ln. 64-Col. 29, Ln. 6; Col. 30, Ln. 3-Col. 31, Ln. 22; Col. 32, Ln. 33-54; Fig. 2). Accordingly, *Hendricks et al* anticipate each and every limitation of Claim 1.

Claims 15-17 are encompassed within the limitations of Claim 1. Thus, each is analyzed and rejected as previously discussed.

As to Claim 2, *Hendricks* further teaches the profile can include information related to the location of the user. (Col. 34, Ln. 62-Col. 35, Ln. 4). Moreover, the system will match subscriber keywords with related (i.e., temporal) words found in a thesaurus. (Col. 30, Ln. 40-50). Accordingly, *Hendricks et al* anticipate each and every limitation of Claim 2.

As to Claim 3, *Hendricks* further discloses the system will scan all program abstracts--thus, this inherently means the system will scan all sources of said abstracts. (disclosed under Claim 1 citations). Accordingly, *Hendricks et al* anticipate each and every limitation of Claim 3.

As to Claim 4, *Hendricks* further teaches the media sources can be television broadcasts. (citations of Claim 1). Accordingly, *Hendricks et al* anticipate each and every limitation of Claim 4.

Claim 18 corresponds to Claim 4. Thus, it is analyzed and rejected as previously discussed.

As to Claim 10, *Hendricks* further discloses the available content sources (i.e., HDTV, interactive, etc.) are located at a location remote from a second location where the user accesses

said content. (Fig. 2). Accordingly, *Hendricks et al* anticipate each and every limitation of Claim 10.

As to Claim 14, *Hendricks* further teaches the contents (i.e., sources) are listed in a prioritized listing based on the category of said contents. (Col. 32, Ln. 63-Col. 33, Ln. 14). Accordingly, *Hendricks et al* anticipate each and every limitation of Claim 14.

As to Claim 25, *Hendricks* further teaches the system can contain a plurality of selectable categories (i.e., predefined profiles). (Fig. 11d). Accordingly, *Hendricks et al* anticipate each and every limitation of Claim 25.

As to Claim 26, *Hendricks* further teaches the system will learn (i.e., monitor habits) the user's behavior (i.e., past viewing history and times) and use this knowledge to create and modify the user profile. (Col. 28, Ln. 64-Col. 29, Ln. 42). Accordingly, *Hendricks et al* anticipate each and every limitation of Claim 26.

As to Claim 27, *Hendricks* further teaches the system includes a menu screen (i.e., access screen) that displays info related to the content and various categories (i.e., access portals) in which said content is contained. (Col. 11, Ln. 24-28; Fig. 11a-12b). Accordingly, *Hendricks et al* anticipate each and every limitation of Claim 27.

IV. Claims 1, 5-9, 13, 15-17, and 19-21 are rejected under 35 U.S.C. 102(b) as being anticipated by *Yen et al.* (US Pat. No. 5,991,799).

As to Claim 1, *Yen et al* disclose a system which processes content from multiple sources and presents said content to a user if it meets certain criteria, which is determined based upon a comparison between a user profile and a variety of data which identifies the media content.

(Abstract; Col. 3, Ln. 5-56). Accordingly, *Yen et al* anticipate each and every limitation of Claim 1.

Claims 15-17 are encompassed within the limitations of Claim 1. Thus, each is analyzed and rejected as previously discussed.

As to Claims 5 and 6, *Yen* further teaches said media sources can include television, radio, or websites. (Col. 6, Ln. 21-26). Accordingly, *Yen et al* anticipate each and every limitation of Claim 5.

Claims 19 and 20 are encompassed within the limitations of Claim 5. Thus, each is analyzed and rejected as previously discussed.

As to Claims 7-9, *Yen* further teaches the identifying information can be extracted from screen text, closed-captioned information, and voice to text conversion. (Col. 7, Ln. 10-25; Col. 8, Ln. 1-5 & 25-34). Accordingly, *Yen et al* anticipate each and every limitation of Claims 7, 8, and 9.

As to Claim 13, *Yen* further teaches the system will prioritize the information sources in response to triggering events such as the arrival of new sources or changes to old sources (i.e., compares sources to see which is more timely or complete). (Col. 3, Ln. 35-55). Accordingly, *Yen et al* anticipate each and every limitation of Claim 13.

As to Claim 21, *Yen* further teaches the system will continuously receive and process information from the sources (i.e., web crawler). (Col. 5, Ln. 55-63). Accordingly, *Yen et al* anticipate each and every limitation of Claim 21.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

V. Claims 11, 12, 23, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Hendricks et al* in view of *Schein et al.* (US Pat. 6,133,909).

Claim 11 recites the method of Claim 1, wherein one or more of the available media sources are recorded or download and reviewed at a later time. As discussed above, *Hendricks et al* anticipate each and every limitation of Claim 1, but fail to disclose those of Claim 11. However, within the same field of endeavor, *Schein* discloses a similar system which allows users to recorded media content for later review. (Col. 1, Ln. 28-43). Accordingly, it would have been obvious to one having ordinary skill in this art at the time of Applicant's invention to combine the systems of *Hendricks* and *Schein* in order to provide a system which allows a user to view content at his or her convenience.

Claim 12 recites the method of Claim 1, wherein topics of interest are selected from the group consisting of sports, weather, and traffic. As discussed above, *Hendricks* anticipates each and every limitation of Claim 1, and further teaches the system provides sporting content, but fails to disclose the remaining limitations of Claim 12. (Col. 11, Ln. 24-28). However, *Schein* further discloses his system is capable of providing content related to weather and traffic. (Col. 9, Ln. 37-55). Accordingly, the combined systems of *Hendricks* and *Schein* disclose all limitations of Claim 12.

As to Claims 23 and 24, *Schein* further teaches profile information can be received from a keyboard and mouse, respectively. (Col. 4, Ln. 35-52). Accordingly, the combined systems of *Hendricks* and *Schein* disclose all limitations of Claims 23 and 24.

VI. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Hendricks et al*.

Claim 22 recites the system of Claim 15, wherein the receiver, storage device, processor, and comparing device are housed within a television set. As discussed above, *Hendricks et al*



anticipate each and every limitation of Claim 15, and further teach the system is embodied in a set top box. (Col. 9, Ln. 20-34 & Col. 29, Ln. 25-28). Considering this teaching, the Examiner takes Official Notice that, at the time of Applicant's invention, the integration of receivers (i.e., set top boxes) and televisions was well known in this art. Accordingly, it would have been obvious to one having ordinary skill in this art at the time of Applicant's invention to modify the system of *Hendricks* to contain an integrated television, thereby providing a more cost-efficient and space saving system.

### ***Conclusion***

VII. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. *Asmussen et al* (US Pat. Pub. No. 2002/0042923) discloses a similar system.
- b. *Legall et al* (US Pat. No. 6,005,565) discloses a similar system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jade O. Laye whose telephone number is (571) 272-7303. The examiner can normally be reached on Mon. 7:30am-4, Tues. 7:30-2, W-Fri. 7:30-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

Art Unit: 2617

applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Examiner: Jade O. Laye

Initials: JO

December 29, 2005.

A handwritten signature in black ink, appearing to read 'Vivek Srivastava', is written over a horizontal line.

VIVEK SRIVASTAVA  
PRIMARY EXAMINER